

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

JOHN DOE

Plaintiff,

V.

MARYMOUNT UNIVERSITY,
LINDA MCMURDOCK, and
JANE ROE,

Defendants.

$$\begin{array}{c}) \\) \\) \\) \\) \\) \\) \\) \\) \\) \end{array}$$

Civil Action No. 1:17-cv-00401(TSE/MSN)

**DEFENDANTS MARYMOUNT UNIVERSITY AND LINDA
MCMURDOCK'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT**

Defendants Marymount University and Linda McMurdock move to dismiss Plaintiff's claims against them for failure to state a claim upon which relief may be granted pursuant to Federal Rule of Civil Procedure 12(b)(6).

The grounds for the motion are as follows:

1. Count I (Title IX) fails to state a claim upon which relief may be granted because Plaintiff alleges no facts that support a plausible inference of gender-based discrimination.
2. Count II (Breach of Contract) and Count III (Covenant of Good Faith and Fair dealing) fail to adequately allege the existence of a contract, which is an essential element of both claims.
3. Count IV (Negligence) fails to identify any recognized duty owed by either defendant to plaintiff. In the alternative, Count IV fails to state a claim against Defendant McMurdock in her individual capacity.

4. Count V (Law of Associations) fails to identify any recognized duty owed by either defendant to plaintiff.

Detailed arguments in support of these grounds are set forth in the memorandum of points and authorities filed concurrently with this motion.

This motion is based on the Complaint filed in this action, this Motion, the accompanying Memorandum of Points and Authorities, the Declaration of Jason A. Ross filed therewith, and oral argument, if any, presented in support of the Motion.

Respectfully submitted,

Dated: April 25, 2017

Marymount University and Linda Murdock,

By Counsel,

/s/ Jason A. Ross

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CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of April, 2017, the foregoing **DEFENDANTS' 12(B)(6) MOTION TO DISMISS** was filed via the Court's electronic filing system and served upon the following:

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I further certify that the following party for whom counsel has not yet entered an appearance has been served by first-class U.S. mail:

Jane Roe

Dated: April 25, 2017